UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

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ORDER

In accordance with the accompanying memorandum, Abercrombie & Fitch Stores, Inc.'s motion to stay or transfer this action [Doc. No. 9] is **GRANTED**. Based on the existence of a substantially similar, previously filed lawsuit pending in the United States District Court for the Southern District of Ohio, Eastern Division, *Mitchell, et al. v. Abercrombie & Fitch Co., et al.*, Case No. C-2-04-306, this action is **TRANSFERRED** to the United States District Court for the Southern District of Ohio, Eastern Division, pursuant to the first-to-file rule.

SO ORDERED.

ENTER this 31st day of May, 2005.

/s/ R. Allan Edgar
R. ALLAN EDGAR
CHIEF UNITED STATES DISTRICT JUDGE